THE EZHAVA BILL.

Mr. Subba Aiyar:—

"Sir,

In presenting the report of the Select Committee on the Ezhava Bill and moving that the Bill be taken up for consideration at once, I may say that the Committee have made very important modifications in the Bill. I may also bring to the notice of the Council one more fact, and that is, a number of petitions have been received even after the consideration of the Bill by the Select Committee as will be evident from the list read by the Secretary, requesting that the consideration of the Bill be put off. This is a matter in which the Government are perfectly indifferent and they are not particular whether the Bill is passed now or is put off to the new Council. It is a matter entirely left to the discretion of the Council and the Council has to decide which course to adopt. I may however point out one circumstance. It is not possible to pass the Bill finally at this meeting. If we get through the consideration of the Bill, the final reading of the Bill will have to be put off and in consequence the Bill has to come before the new Council. We do not know whether the new Council will be satisfied with the provisions contained in this Bill, and it would be open to them to say that they would not pass it. There is this danger, unless Government resort to the exercise of the exceptional method of certification of the Bill. I do not think this is a matter for the exercise of the exceptional power. I leave the matter entirely to the general sense of the Council."

Mr. Kumaran Asan:—

"In seconding the motion, I beg to submit that it has been said that several petitions have been received suggesting further improvements and requesting the postponement of the consideration of the Bill. In these circumstances, I think that it may be advantageous to postpone the consideration of the Bill."

Mr. G. Parameswaran Pillai:—

" In the circumstances pointed out by Mr. Subba Aiyar, I also think that it is desirable to have the consideration of the Bill postponed."

President: —

"I see that the general sense on the non-official side of the Council is that the consideration of the Bill should be postponed. The Government have no objection to such a course being followed. I think that it would be a distinct advantage to do so."

The Council resolved to postpone the consideration of the Bill.

THE FISHERIES BILL.

Mr. Subba Aiyar in presenting the report of the Select Committee on the Fisheries Bill, moved that the report and the Bill be taken up for consideration at once.

Seconded by Dr. Kunjan Pillai.

Carried.

The consideration of the Bill was then proceeded with and the Council discussed some of the provisions of the Bill, regarding which two objection petitions had been received. One of the objections related to the provisions in Section 8 according to which destruction of fish in the sea by explosives is prohibited. Mr. Subba Aiyar pointed out that the objection was based on a misapprehension that fishing in the sea was prohibited. He said that the Bill did not contemplate the prohibition of fishing in the sea and that it was only the use of dynamite or other explosives that made it an offence. He also said that except in Section 8 it was not stated anywhere in the Bill that water included sea water. He added that the other provisions of the Bill did not apply to the sea and that the explanation to Section 8 was an important one because it made it clear that it was only for the purpose of that Section that water included sea water. If Clause (2) in the Section was omitted there was nothing in the Bill to restrict the application of the Bill to inland water.

Dr. Kunjan Pillai maintained the necessity of retaining the provisions of Section 8. With regard to the argument that the sea is so vast and wide, that it contains an inexhaustible supply, and that if even some people destroyed the fish, there would be plenty still, he said that, with regard to certain species of fish, they migrated towards the shore, some into the backwaters and some up the rivers at particular seasons, for breeding purposes, and that if they were destroyed, even the inexhaustible supply would come to an end in course of time.

The Council resolved that no importance need be attached to the objection raised in regard to the Section.

Another objection against the Bill, mentioned in the petition, was with reference to the confiscation of the fish and the fishing tackle provided for in Section 15. Mr. Subba Aiyar pointed out that the word used in the Section was '*may*' and that it did not necessarily mean that confiscation should be ordered in every case.

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The next objection related to the attachment of fishing tackle provided for in Section 18. Mr. Raman Tampi observed that the seizure of fishing tackle would deprive the fisherman of his means of living and that the provision would result in hardship to the poor fishermen. Mr. Anantanarayana Aiyar said that, if the instrument used for fishing was not seized, a valuable piece of evidence would be lost and that the case against the man would not end in conviction. After some further discussion, it was agreed that if in the course of working the provision any difficulty arose, the necessary amendment might be made to the Section then.

The consideration of the Bill over, Mr. Subba Aiyar moved that the Bill be finally read and passed, the operation of rule 51 being suspended.

Seconded by Dr. Kunjan Pillai.

Carried.

THE REVENUE RECOVERY REGULATION AMENDMENT BILL.

Mr. Subba Aiyar in presenting the report of the Select Committee on the Revenue Recovery Regulation Amendment Bill moved that the Report and the Bill be taken up for consideration at once, rule 47 requiring three weeks to elapse after the publication of the Report being suspended.

Seconded by Mr. Anantanarayana Aiyar.

Mr. G. Parameswaran Pillai:

"This being an important measure, the consideration of the Bill should be taken up after the lapse of three weeks from the date of its publication, so that there may be sufficient time for the public to know the changes made by the Select Committee. I therefore beg to oppose the motion to take up the consideration of the Bill just now.

Mr. John Nidiry:—

"I support my friend Mr. Parameswaran Pillai."

President:—

"How long is it since it was published?"

Mr. G. Parameswaran Pillai:—

"It is published in yesterday's Gazette."

Mr. Parameswara Aiyar:—

"It is 15 days since it was published in English."

Mr. Subba Aiyar:—

"When the Bill was introduced the main point of opposition was that in the case of attachment of movables for arrears of revenue there must be a demand notice in the first instance, and that, some time after the issue of that notice, attachment should be made. In other words, it is not desirable that the movables should be attached immediately after the demand is made, as it may not be possible for the defaulter to find money at once. This was what Mr. Kayalam Parameswaran Pillai said. He suggested that unless some time was given to the defaulter to make the payment it would cause hardship. The second objection was that, in the case of sale of immovable property, the Peishkar's permission should be insisted on and that if the Peishkar made any delay he must be found fault with. This was suggested by Mr. G. Parameswaran Pillai. These were the two points on which the whole controversy centred. As regards the first objection, the Select Committee considered it and made the necessary modification as suggested by Mr. Kayalam Parameswaran Pillai. Thus the most vital objection to the Bill at any rate has been removed. The other objection is a minor one. I do not know what useful purpose will be served by deferring the consideration of the Bill. All that can possibly be said against the Bill has been said and all that is possible has been done by the Select Committee. In these circumstances, I think it is not desirable to postpone the consideration of the Bill."

Mr. Subba Aiyar's motion was put to the vote and carried.

Clause 1.

Mr. G. Parameswaran Pillai in moving that Clause 1 be deleted said:—

"My amendment is to the effect that Section 6 in the Regulation should be retained. This Section provides for a written demand being served on the defaulter, who may pay the arrears or raise any objection. This objection has to be enquired into and orders passed, before the Revenue authorities proceed to distrain movable property. It is also provided that the objector may appeal and the attachment may be stayed by the appellate authority. That is what Section 6 says. This has been deleted and the Bill says that a demand notice may be issued fixing a period of 7 days within which the defaulter should pay the arrears or raise his objection if any, and the Tahsildar may in his discretion stay the proceedings. There is nothing to show that he must do it. The Committee have recognised the principle that immediate distraint may cause hardship to the defaulter,

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